

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WILLIAM FRANKE,)	CASE NO.:
)	
<i>Plaintiff,</i>)	JUDGE:
)	
vs.)	
)	<u>NOTICE OF REMOVAL</u>
MATHESON TRI-GAS, INC.,)	
)	
<i>Defendant.</i>)	

Defendant Matheson Tri-Gas, Inc., by and through its undersigned counsel, and for its Notice of Removal of this case from the Court of Common Pleas, Darke County, Ohio, to the United States District Court for the Southern District of Ohio, states as follows:

1. On December 20, 2023, Plaintiff William Franke commenced a civil action against Defendant in the Court of Common Pleas for Darke County, Ohio, Case No. 24-CV-00520. Copies of all process and pleadings served upon Defendant in the State Court Lawsuit are attached hereto as **Exhibit A**.

2. On or about December 20, 2024, the State Court docket reflects that the United States Postal Service served Defendant with a copy of the Summons and Complaint at one of its locations in Greenville, Ohio via certified mail.

3. No further pleadings have been filed and no substantive proceedings have taken place in this action since the filing of Plaintiff's Complaint.

4. Defendant files this Notice of Removal within thirty (30) days after it received service of the Summons and Complaint. Accordingly, this Notice is timely filed in compliance with 28 U.S.C. §1446(b).

5. This action is being removed to this Court pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties. Furthermore, based on the face of the Complaint, it is more likely than not that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

6. Plaintiff is a citizen of the State of Ohio. (Compl. at ¶ 1).

7. Defendant is a Delaware corporation with its principal place of business in Texas.

8. Accordingly, removal of this action is proper pursuant to 28 U.S.C. § 1441(a) because this Court has diversity of citizenship jurisdiction.

9. On the same date as the filing of this Notice of Removal, Defendant is serving by electronic mail (and through the court's electronic filing system) a copy of this Notice of Removal upon Plaintiff's counsel at the e-mail addresses set forth in the Complaint: Trisha Breedlove, trisha.breedlove@spitzlawfirm.com, of Spitz, The Employee's Law Firm, 1103 Schrock Road, Busch Corporate Center, Suite 307, Columbus, Ohio 43229.

10. On the same date as the filing of this Notice of Removal, Defendant is also filing a copy of this Notice of Removal with the Clerk of Court for the Court of Common Pleas for Darke County, Ohio, the county in which this action was commenced and is pending at this time. A true and accurate copy of this Notice of Filing of Notice of Removal is attached hereto as **Exhibit B**.

11. By filing this Notice of Removal, Defendant does not waive any defense that may be available to Defendant.

WHEREFORE, Defendant Matheson Tri-Gas, Inc. respectfully requests that the above-entitled action now pending against it in the Court of Common Pleas for Darke County, Ohio, be removed to this Court.

Respectfully submitted:

Jackson Lewis P.C.

/s/ Vincent J. Tersigni

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